



Phone: 541-682-5377
www.eugene-or.gov/hearingsofficial

Meeting Location:
Atrium Building – Sloat Room
99 West 10th Avenue

The Eugene Hearings Official welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice. To arrange for these services, contact the Planning Division at (541)682-5481.

WEDNESDAY, April 23, 2014
(5:00 p.m.)

I. PUBLIC HEARING ON ZONE CHANGE REQUEST

Nordic Homes (Z 14-2)

Assessors Map: 17-03-08-31 **Tax Lot:** 2600, 2700, 2800, and 3100

Location: 3527 Gilham Road

Request: Change in zoning from AG Agricultural to R-1 Low-Density Residential

Applicant: Nordic Homes and Construction, LLC

Applicant's Representative: Renee Clough, Branch Engineering

Lead City Staff: Becky Taylor, Associate Planner
Telephone: (541) 682-5437
E-mail: becky.g.taylor@ci.eugene.or.us

Public Hearing Format:

1. Staff introduction/presentation
2. Public testimony from applicant and others in support of application.
3. Comments or questions from interested persons who neither are proponents nor opponents of the proposal.
4. Public testimony from those in opposition to application.
5. Staff response to testimony.
6. Questions from Hearings Official.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, fill out a request form at the public hearing or contact the lead City staff as noted above. The decision will also be posted at www.eugene-or.us/hearingsofficial.



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ZONE CHANGE STAFF REPORT

NORDIC HOMES (Z 14-2)

Applicant/File Name (Numbers):

Nordic Homes and Construction, LLC (Z 14-2)

Applicant's Representative:

Renee Clough, Branch Engineering

Applicant's Request:

To rezone the subject property from AG Agricultural to R-1 Low-Density Residential

Subject Property Location:

Located at 3527 Gilham Road, between Gilham Road and Walton Lane, south of Ashbury Drive; Tax Lots 2600, 2700, 2800, and 3100 of Assessor's Map 17-03-08-31 (approximately 1.96 acres; 85,378 square feet) *(See attached vicinity map.)*

Relevant Dates:

Application submitted on February 13, 2014; deemed complete on March 11, 2014; public hearing scheduled for April 23, 2014

Lead City Staff:

Becky Taylor, Associate Planner, Eugene Planning Division, Phone: (541) 682-5437.

Background and Present Request

Annexation of the subject property was approved by the City Council on March 10, 2014. The present request is to rezone the subject property from AG Agricultural to R-1 Low-Density Residential. The subject property has frontage on Gilham Road to the west and Walton Lane to the east. The applicant's site plan shows two accessory buildings on the subject property. The applicant indicates that the site previously had a manufactured home, which was moved by the former owner of the property. The applicant intends to build homes on each of the four lots and will likely use the accessory structures for storage during construction, but expects to remove the accessory structures prior to completion of the new homes.

The surrounding area is primarily zoned and/or designated for low-density residential uses, although vacant parcels to the southwest are zoned Medium-Density Residential and Neighborhood Commercial. A church is located farther to the north and larger parcels that have

the potential to further divide are to the south. The Urban Growth Boundary is farther to the northeast. Most of the surrounding properties have been incorporated into City limits. The abutting dwellings to the south have not been annexed, nor have the cluster of cul-de-sac subdivisions along the west side of Gilham Road and along Torr Avenue, to the north.

The Eugene Code (EC) requires City staff to prepare a written report concerning the subject land use applications. In accordance with the Type III land use application procedures at EC 9.7320, the staff report is made available seven days prior to the public hearing, to allow citizens an opportunity to review the staff analysis of the application. The staff report provides only preliminary information and recommendations. The Hearings Official will consider additional public testimony and other materials presented at the public hearing before making a decision on the application. Pursuant to EC 9.7330, the Hearings Official's written decision on the application is made within 15 days from the close of the public record, following the public hearing. The quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

Referrals/Public Notice

This zone change application was deemed complete on March 11, 2014. Staff provided information concerning the application to other appropriate City departments, the Oregon Department of Transportation (ODOT), public agencies, and the affected neighborhood group (Santa Clara Community Organization) on March 21, 2014. Staff also mailed notice of the proposed zone change to the Oregon Department of Land Conservation and Development (DLCD) on March 21, 2014.

On March 21, 2014, staff mailed public notice of the proposed zone change and the hearing date to owners and occupants within 500 feet of the subject property. As of the date of this report, no public comments have been received. Any comments received between the date of this report and the public hearing will be forwarded to the Hearings Official.

Staff Analysis

The Eugene Code, EC 9.7330 and 9.8865, requires the Hearings Official to review an application for a zone change and consider pertinent evidence and testimony as to whether the proposed change is consistent with the criteria required for approval, shown below in **bold** typeface.

EC 9.8865(1): The proposed zone change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The Metro Plan designates the subject property as Low-Density Residential. The requested zone change to R-1 Low-Density Residential will bring the property into compliance with the plan designation. In regards to Metro Plan policies, the following appears to be relevant.

- A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies; however existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses. (Page III-A-5)

Although this policy does not read as a mandatory approval criterion for the zone change, the applicant's requested zoning fulfills this policy. Based on these findings, the proposed zone change is consistent with applicable provisions of the Metro Plan.

EC 9.8865(2): The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The applicable adopted refinement plan for the area of the proposed zone change is the Willakenzie Area Refinement Plan (WAP). The subject property is located within the *North Region – Unincorporated Subarea* of the WAP. The WAP designates the subject property as Low-Density Residential, consistent with the applicant's requested R-1 zoning. None of the WAP policies appear to read as mandatory approval criteria for the subject request, as they are either directed toward City government actions, specific development plans, and higher residential densities. Based on these findings, the zone change is consistent with the applicable refinement plan.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3). Referral comments, included in the application file, confirm that the uses and density that will be allowed by the proposed R-1 zone on the subject property can be serviced through the orderly extension of key urban facilities and services. Based on these findings, the above criterion is met.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

There are no discrete siting requirements for the requested R-1 zone at EC 9.2735 Residential Zone Siting Requirements. Based on these findings, the above criterion is met.

EC 9.8865(5): In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the City to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The proposed zone change does not include the NR zone; this criterion does not apply.

Transportation Planning Rule:

Staff finds that Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission (DLCD), must be specifically addressed as part of the requested zone change and in the context of Oregon Administrative Rules, as follows. As adopted, OAR 660-012-0060(1) states:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3),(9), or (10) of this rule.*

Staff finds that the subject zone change is governed by subsection (9), which reads as follows:

- (9) *Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
 - (a) *The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map:*
 - (b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) *The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660- 024-220(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

Staff confirms that the proposed R-1 zoning for the property is consistent with the existing comprehensive plan designation as Low-Density Residential, and that this designation was in effect at the time the acknowledged TSP was adopted (TransPlan 2002). When TransPlan was adopted in 2001, the subject property was designated Low-Density Residential and has remained unchanged. The subject property was not exempted from the TPR at the time of an urban growth boundary agreement. Thus, OAR 660-012-0060(9) is satisfied. Based on these findings, the proposed zone change does not significantly affect a transportation facility for purposes of the TPR and therefore complies with the TPR.

Staff Recommendation

Based on the available evidence, and consistent with the preceding findings, staff recommends the Hearings Official approve the requested zone change to R-1 Low-Density Residential.

Consistent with EC 9.7330, unless the applicant agrees to a longer time period, within 15 days following close of the public record, the Eugene Hearings Official shall approve, approve with

conditions, or deny this application. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, stating the facts relied upon in rendering a decision and explaining the justification for the decision based upon the criteria, standards, and facts set forth. Notice of the written decision will be mailed in accordance with EC 9.7335. Within 12 days of the date the decision is mailed, it may be appealed to the Eugene Planning Commission as set forth in EC 9.7650 through EC 9.7685.

Attachments

A vicinity map is attached. The entire application file is available for review at the Eugene Planning Division offices. The Hearings Official will receive a full set of application materials for review prior to the public hearing. These materials will also be made available for review at the public hearing.

For More Information:

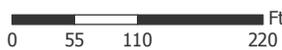
Please contact Becky Taylor, Associate Planner, City of Eugene Planning Division, at: (541) 682-5437; or by e-mail, at: becky.g.taylor@ci.eugene.or.us

Vicinity Map (Z 14-2)



Legend

-  EUG
-  Taxlots



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

April 11, 2014

